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ADMITTED IN N.Y. AND N.J.

October 24, 2016

VIA ECF

Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
New York, NY 11201

RE: United States v. Martin Shkreli and Evan Greebel
15 CR 637 (KAM)

Dear Judge Matsumoto:

As you know our firm represents Martin Shkreli. On January 7, 2016, this Court filed an Order restraining the Shkreli E*TRADE Account (Document 19)(Restraining Order). On July 28, 2016 this Court granted Mr. Shkreli's request to modify the Restraining Order to permit Mr. Shkreli to sell the KaloBios stock held in the E*TRADE account (Document 73)(Modification to Restraining Order). The sale of the KaloBios stock is completed and the account currently holds \$5,944,959.41.

Mr. Shkreli requests that the Court further modify the existing orders (Document 19 and Document 73) to permit Mr. Shkreli to transfer \$944,959.41 to the Internal Revenue Service for partial payment toward his income tax obligations. If the Court grants this request, the total E*TRADE account value will remain at \$5,000,000.00.

We have discussed this request with the AUSAs Winston Paes, Alixandra Smith and Jackie Kasulis and the Government consents to this further modification of the Restraining Order.

BRAFMAN & ASSOCIATES, P.C.

We thank the Court for its courtesy in this and all other matters and stand ready to assist should the Court have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ben Brafman", with a long horizontal flourish extending to the right.

Benjamin Brafman, Esq.

Marc Agnifilo, Esq.

Andrea Zellan, Esq.

cc: AUSA Winston Paes (via email)
AUSA Alixandra Smith (via email)
AUSA Jacqueline Kasulis (via email)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

MODIFICATION OF RESTRAINING
ORDER

-against-

Docket No. 15-CR-627 (KAM)

MARTIN SHKRELI,

Defendant.

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Upon the application of the defendant, Martin Shkreli, by his attorneys, Brafman & Associates, P.C., and with the consent of the United States (AUSAs Winston Paes, Alixandra Smith and Jackie Kasulis appearing),

Whereas on January 7, 2016 this Court issued a Restraining Order (Document 19) (Restraining Order) on Martin Shkreli's individual brokerage account at E*TRADE Securities LLC, 34 Exchange Place, 501 Plaza 2, Jersey City, New Jersey 07311 ("E*TRADE) ending in the digits [REDACTED] ("the Shkreli E*TRADE Account), in which he currently holds assets, including proceeds of the sale of shares of KaloBios stock, in the amount of \$5,944,959.41:

Whereas on July 28, 2016 this Court issued a modification of that Restraining Order (Document 73) permitting Mr. Shkreli to sell the Kalo Bios stock in his individual E*Trade account with all proceeds to remain in that account;

Whereas the Kalo Bios stock in Mr. Shkreli's individual E*Trade account has been sold and the account currently holds cash in the amount of \$5,944,959.41;

IT IS HEREBY ORDERED that:

The prior Restraining Order as Modified on July 28, 2016 remains in full effect but is now further modified to permit defendant Martin Shkreli to transfer \$944,959.41 from that E*TRADE Account to the Internal Revenue Service in order to make a partial payment toward his income tax obligations.

The value of the assets in the account will continue to be \$5,000,000 and the prior Restraining Order is modified only to the extent of permitting the transfer to the IRS of \$944,959.41.

Dated: Brooklyn, New York
October ____, 2016

SO ORDERED:

THE HONORABLE KIYO A MATSUMOTO
U.S. DISTRICT COURT JUDGE
EASTERN DISTRICT OF NEW YORK